

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ALBANY-----X  
LORI CERNERA,


Plaintiff,

-against-

THE ROMAN CATHOLIC DIOCESE OF ALBANY,  
SISTERS OF ST. JOSEPH OF CARONDELET, ALBANY,  
and COLLEEN GORMAN,Defendants.  
-----X

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York  
November 19, 2019Yours etc.,  
GAIR, GAIR, CONASON, RUBINOWITZ, BLOOM,  
HERSHENHORN, STEIGMAN & MACKAUF  
Attorneys for Plaintiff  
PETER J. SAGHIR  
80 Pine Street, 34<sup>th</sup> Floor  
New York, New York 10005  
(212) 943-1090

TO: See Attached Service Rider

Index No.: \_\_\_\_\_/19  
Date Filed: \_\_\_\_\_/19SUMMONSPlaintiff designates Albany  
County as the place of trial.Basis of venue: CPLR 503(a)  
County in which a substantial  
part of the events or  
omissions giving rise to the  
claim occurred.

SERVICE RIDER

THE ROMAN CATHOLIC DIOCESE OF ALBANY  
40 North Main Avenue  
Albany, NY 12203

SISTERS OF ST. JOSEPH OF CARONDELET, ALBANY  
385 Watervliet-Shaker Road  
Latham, NY 12110

ST. PATRICK'S ACADEMY  
40 North Main Avenue  
Albany, NY 12203

COLLEEN GORMAN  
385 Watervliet-Shaker Road  
Latham, NY 12110

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ALBANY-----X  
LORI CERNERA,

Index No.: \_\_\_\_\_/19

Plaintiff,

-against-

VERIFIED COMPLAINTTHE ROMAN CATHOLIC DIOCESE OF ALBANY,  
SISTERS OF ST. JOSEPH OF CARONDELET, ALBANY,  
ST. PATRICK'S ACADEMY, and COLLEEN GORMAN,Defendants.  
-----X

Plaintiff, complaining of the defendants, by and through her attorneys, GAIR,  
GAIR, CONASON, RUBINOWITZ, BLOOM, HERSHENHORN, STEIGMAN & MACKAUF,  
respectfully shows to this Court and alleges as follows:

1. Upon information and belief, that at all times herein mentioned, defendant, THE  
ROMAN CATHOLIC DIOCESE OF ALBANY, was and still is a not for profit religious  
corporation duly organized and existing under and by virtue of the laws of the State of New  
York.

2. Upon information and belief, that at all times herein mentioned, defendant, THE  
ROMAN CATHOLIC DIOCESE OF ALBANY, owned a school known as St. Patrick's  
Academy located at 80 Woodland Avenue, Catskill, New York 12414.

3. Upon information and belief, that at all times herein mentioned, defendant, THE  
ROMAN CATHOLIC DIOCESE OF ALBANY, its agents, servants and employees managed,  
maintained, operated and controlled the aforesaid school known as St. Patrick's Academy  
located at 80 Woodland Avenue, Catskill, New York 12414.

4. Upon information and belief, that at all times herein mentioned, defendant, THE

ROMAN CATHOLIC DIOCESE OF ALBANY, held itself out to the public as the owner of St. Patrick's Academy located at 80 Woodland Avenue, Catskill, New York 12414.

5. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC DIOCESE OF ALBANY, held itself and its agents, servants and employees out to the public as those who managed, maintained, operated and controlled St. Patrick's Academy located at 80 Woodland Avenue, Catskill, New York 12414.

6. Upon information and belief, that at all times herein mentioned, defendant, SISTERS OF ST. JOSEPH OF CARONDELET, ALBANY, was and still is a not for profit religious corporation duly organized and existing under and by virtue of the laws of the State of New York.

7. Upon information and belief, that at all times herein mentioned, defendant, SISTERS OF ST. JOSEPH OF CARONDELET, ALBANY, owned a school known as St. Patrick's Academy located at 80 Woodland Avenue, Catskill, New York 12414.

8. Upon information and belief, that at all times herein mentioned, defendant, SISTERS OF ST. JOSEPH OF CARONDELET, ALBANY, its agents, servants and employees managed, maintained, operated and controlled the aforesaid school known as St. Patrick's Academy located at 80 Woodland Avenue, Catskill, New York 12414.

9. Upon information and belief, that at all times herein mentioned, defendant, SISTERS OF ST. JOSEPH OF CARONDELET, ALBANY, held itself out to the public as the owner of St. Patrick's Academy located at 80 Woodland Avenue, Catskill, New York 12414.

10. Upon information and belief, that at all times herein mentioned, defendant, SISTERS OF ST. JOSEPH OF CARONDELET, ALBANY, held itself and its agents, servants and employees out to the public as those who managed, maintained, operated and controlled St.



Patrick's Academy located at 80 Woodland Avenue, Catskill, New York 12414.

11. Upon information and belief, that at all times herein mentioned, defendant, ST. PATRICK'S ACADEMY, was and still is a not for profit religious corporation duly organized and existing under and by virtue of the laws of the State of New York.

12. Upon information and belief, that at all times herein mentioned, defendant, ST. PATRICK'S ACADEMY, owned a school known as St. Patrick's Academy located at 80 Woodland Avenue, Catskill, New York 12414.

13. Upon information and belief, that at all times herein mentioned, defendant, ST. PATRICK'S ACADEMY, its agents, servants and employees managed, maintained, operated and controlled the aforesaid school known as St. Patrick's Academy located at 80 Woodland Avenue, Catskill, New York 12414.

14. Upon information and belief, that at all times herein mentioned, defendant, ST. PATRICK'S ACADEMY, held itself out to the public as the owner of St. Patrick's Academy located at 80 Woodland Avenue, Catskill, New York 12414.

15. Upon information and belief, that at all times herein mentioned, defendant, ST. PATRICK'S ACADEMY, held itself and its agents, servants and employees out to the public as those who managed, maintained, operated and controlled St. Patrick's Academy located at 80 Woodland Avenue, Catskill, New York 12414.

16. Upon information and belief, that at all times herein mentioned, defendant, COLLEEN GORMAN, was a Nun.

17. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC DIOCESE OF ALBANY, installed defendant, COLLEEN GORMAN, as a teacher at St. Patrick's Academy.

18. Upon information and belief, that at all times herein mentioned, defendant, COLLEEN GORMAN, served as a teacher at St. Patrick's Academy at the pleasure of defendant, THE ROMAN CATHOLIC DIOCESE OF ALBANY.

19. Upon information and belief, that at all times herein mentioned, defendant, COLLEEN GORMAN, was on the staff of defendant, THE ROMAN CATHOLIC DIOCESE OF ALBANY.

20. Upon information and belief, that at all times herein mentioned, defendant, COLLEEN GORMAN, was acting as an agent of defendant, THE ROMAN CATHOLIC DIOCESE OF ALBANY.

21. Upon information and belief, that at all times herein mentioned, defendant, COLLEEN GORMAN, was an employee of defendant, THE ROMAN CATHOLIC DIOCESE OF ALBANY.

22. Upon information and belief, that at all times herein mentioned, defendant, COLLEEN GORMAN, was acting in the course and scope of her employment with defendant, THE ROMAN CATHOLIC DIOCESE OF ALBANY.

23. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC DIOCESE OF ALBANY, hired defendant, COLLEEN GORMAN.

24. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC DIOCESE OF ALBANY, retained defendant, COLLEEN GORMAN.

25. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC DIOCESE OF ALBANY, supervised defendant, COLLEEN GORMAN.

26. Upon information and belief, that at all times herein mentioned, defendant, COLLEEN GORMAN, was a teacher at St. Patrick's Academy located at 80 Woodland Avenue,

Catskill, New York 12414.

27. Upon information and belief, that at all times herein mentioned, defendant, COLLEEN GORMAN, resided in the convent on the premises of St. Patrick's Academy located at 80 Woodland Avenue, Catskill, New York 12414.

28. Upon information and belief, that at all times herein mentioned, defendant, COLLEEN GORMAN, was on the staff of defendant, SISTERS OF ST. JOSEPH OF CARONDELET, ALBANY.

29. Upon information and belief, that at all times herein mentioned, defendant, COLLEEN GORMAN, was acting as an agent of defendant, SISTERS OF ST. JOSEPH OF CARONDELET, ALBANY.

30. Upon information and belief, that at all times herein mentioned, defendant, COLLEEN GORMAN, was an employee of defendant, SISTERS OF ST. JOSEPH OF CARONDELET, ALBANY.

31. Upon information and belief, that at all times herein mentioned, defendant, COLLEEN GORMAN, was acting in the course and scope of her employment with defendant, SISTERS OF ST. JOSEPH OF CARONDELET, ALBANY.

32. Upon information and belief, that at all times herein mentioned, defendant, SISTERS OF ST. JOSEPH OF CARONDELET, ALBANY, hired defendant, COLLEEN GORMAN.

33. Upon information and belief, that at all times herein mentioned, defendant, SISTERS OF ST. JOSEPH OF CARONDELET, ALBANY, retained defendant, COLLEEN GORMAN.

34. Upon information and belief, that at all times herein mentioned, defendant,

SISTERS OF ST. JOSEPH OF CARONDELET, ALBANY, supervised defendant, COLLEEN GORMAN.

35. Upon information and belief, that at all times herein mentioned, defendant, COLLEEN GORMAN, was on the staff of defendant, ST. PATRICK'S ACADEMY.

36. Upon information and belief, that at all times herein mentioned, defendant, COLLEEN GORMAN, was acting as an agent of defendant, ST. PATRICK'S ACADEMY.

37. Upon information and belief, that at all times herein mentioned, defendant, COLLEEN GORMAN, was an employee of defendant, ST. PATRICK'S ACADEMY.

38. Upon information and belief, that at all times herein mentioned, defendant, COLLEEN GORMAN, was acting in the course and scope of her employment with defendant, ST. PATRICK'S ACADEMY.

39. Upon information and belief, that at all times herein mentioned, defendant, ST. PATRICK'S ACADEMY, hired defendant, COLLEEN GORMAN.

40. Upon information and belief, that at all times herein mentioned, defendant, ST. PATRICK'S ACADEMY, retained defendant, COLLEEN GORMAN.

41. Upon information and belief, that at all times herein mentioned, defendant, ST. PATRICK'S ACADEMY, supervised defendant, COLLEEN GORMAN.

42. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC DIOCESE OF ALBANY, was responsible for the staffing and hiring at St. Patrick's Academy located at 80 Woodland Avenue, Catskill, New York 12414.

43. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC DIOCESE OF ALBANY, did the hiring and staffing at St. Patrick's Academy located at 80 Woodland Avenue, Catskill, New York 12414.



44. Upon information and belief, that at all times herein mentioned, defendant, SISTERS OF ST. JOSEPH OF CARONDELET, ALBANY, was responsible for the staffing and hiring at St. Patrick's Academy located at 80 Woodland Avenue, Catskill, New York 12414.

45. Upon information and belief, that at all times herein mentioned, defendant, SISTERS OF ST. JOSEPH OF CARONDELET, ALBANY, did the hiring and staffing at St. Patrick's Academy located at 80 Woodland Avenue, Catskill, New York 12414.

46. Upon information and belief, that at all times herein mentioned, defendant, ST. PATRICK'S ACADEMY, was responsible for the staffing and hiring at St. Patrick's Academy located at 80 Woodland Avenue, Catskill, New York 12414.

47. Upon information and belief, that at all times herein mentioned, defendant, ST. PATRICK'S ACADEMY, did the hiring and staffing at St. Patrick's Academy located at 80 Woodland Avenue, Catskill, New York 12414.

48. Upon information and belief, that at all times herein mentioned, defendant, COLLEEN GORMAN, had complaints of sexual abuse made against her.

49. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees knew or should have known of the aforesaid complaints of sexual abuse against defendant, COLLEEN GORMAN.

50. Upon information and belief, that at all times herein mentioned, defendant, COLLEEN GORMAN, was a known sexual abuser of children.

51. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC DIOCESE OF ALBANY, received complaints that defendant, COLLEEN GORMAN, had been a sexual abuser of children.

52. Upon information and belief, that at all times herein mentioned, defendant,

SISTERS OF ST. JOSEPH OF CARONDELET, ALBANY, received complaints that defendant, COLLEEN GORMAN, had been a sexual abuser of children.

53. Upon information and belief, that at all times herein mentioned, defendant, ST. PATRICKS ACADEMY, received complaints that defendant, COLLEEN GORMAN, had been a sexual abuser of children.

54. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees, knew or should have known that defendant, COLLEEN GORMAN, had been the subject of complaints of sexual abuse.

55. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees, knew or should have known that defendant, COLLEEN GORMAN, was a known sexual abuser of children.

56. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees, could reasonably have anticipated that defendant, COLLEEN GORMAN's, sexual abuse complaints and sexual abuse of children would be likely to result in injury to others.

57. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees failed to investigate the aforesaid complaints against defendant, COLLEEN GORMAN.

58. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees failed to properly, adequately and thoroughly investigate the aforesaid complaints against defendant, COLLEEN GORMAN.

59. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees failed to report or refer the aforesaid complaints made against

defendant, COLLEEN GORMAN, to the police or any other agency to be investigated.

60. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees carelessly, negligently and recklessly ignored and dismissed the aforesaid complaints against defendant, COLLEEN GORMAN.

61. Upon information and belief, that at all times herein mentioned, the aforesaid complaints against defendant, COLLEEN GORMAN, had merit.

62. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees, knew or should have known that the aforesaid complaints against defendant, COLLEEN GORMAN, had merit.

63. That at all times herein mentioned, defendants, THE ROMAN CATHOLIC DIOCESE OF ALBANY, SISTERS OF ST. JOSEPH OF CARONDELET, ALBANY, and, ST. PATRICK'S ACADEMY, failed to establish policies and procedures directed towards protecting minors from sexual abuse.

64. That at all times herein mentioned, defendant, COLLEEN GORMAN, was unqualified and unfit to serve as a teacher and supervise students at St. Patrick's Academy.

65. That at all times herein mentioned, defendants, their agents, servants and employees, could reasonably have anticipated that defendant, COLLEEN GORMAN, was unqualified and unfit to serve as a teacher and supervise students at St. Patrick's Academy.

66. That at all times herein mentioned, plaintiff, LORI CERNERA, was enrolled as a student at St. Patrick's Academy located at 80 Woodland Avenue, Catskill, New York 12414.

67. From approximately 1975 to 1977 defendant, COLLEEN GORMAN, sexually abused plaintiff, LORI CERNERA, while plaintiff was still an infant, on school property at St. Patrick's Academy located at 80 Woodland Avenue, Catskill, New York 12414, and other

locations.

68. The aforesaid abuse constituted a sexual offense as defined in article one hundred thirty of the penal law committed against a child less than eighteen years of age, or the use of a child in a sexual performance as defined in section 263.05 of the penal law, or a predecessor statute that prohibited such conduct at the time of the act, which conduct was committed against a child less than eighteen years of age.

69. From approximately 1975 to 1977 defendants, their agents, servants and employees knew or should have known that defendant, COLLEEN GORMAN, was sexually abusing plaintiff, LORI CERNERA, while plaintiff was still an infant.

70. From approximately 1975 to 1977 defendants, their agents, servants and employees knew or should have known that defendant, COLLEEN GORMAN, was sexually abusing plaintiff, LORI CERNERA, while plaintiff was still an infant, on school property at St. Patrick's Academy located at 80 Woodland Avenue, Catskill, New York 12414, and other locations.

71. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees knew or should have known that the sexual abuse by defendant, COLLEEN GORMAN, of plaintiff, LORI CERNERA, while plaintiff was still an infant, was ongoing.

72. Defendants, THE ROMAN CATHOLIC DIOCESE OF ALBANY, ST. PATRICK'S ACADEMY, and, SISTERS OF ST. JOSEPH OF CARONDELET, ALBANY, trained and instructed defendant, COLLEEN GORMAN, for her employment at St. Patrick's Academy.

73. Upon information and belief, that at all times herein mentioned defendant,



COLLEEN GORMAN, was under the direct supervision and control of defendants, THE ROMAN CATHOLIC DIOCESE OF ALBANY, SISTERS OF ST. JOSEPH OF CARONDELET, ALBANY, and, ST. PATRICK'S ACADEMY, when she performed the wrongful acts described herein.

74. That the aforesaid occurrences were caused or contributed to by the negligence, carelessness and recklessness and the willful, wanton, and grossly negligent conduct of the defendants, their agents, servants and/or employees, in: selecting, hiring, contracting and retaining defendant, COLLEEN GORMAN, to work with the plaintiff while plaintiff was still an infant and other children when it was known or should have been known to the defendants herein that defendant, COLLEEN GORMAN, had a history of complaints made against her and a propensity to sexually abuse children and in fact had sexually abused children; selecting, hiring, contracting and retaining defendant, COLLEEN GORMAN, when it was known or should have been known to the defendants herein that she did not possess the requisite skills or qualifications to work with children; failing to properly and adequately supervise the conduct of defendant, COLLEEN GORMAN, as it related to the plaintiff while plaintiff was still an infant and other children when it was known or should have been known to the defendants herein that defendant, COLLEEN GORMAN, had a history of complaints made against her and a propensity to sexually abuse children and in fact had sexually abused children; failing to warn or advise the plaintiff, who was still an infant, her parents and others of defendant, COLLEEN GORMAN's, propensity to sexually abuse children and of the fact that she had sexually abused children whom she came in contact with by and through her roles at St. Patrick's Academy; causing, permitting and allowing the sexual abuse to continue; failing to take any measures to stop the sexual abuse when it was known or should have been known to the defendants herein that the sexual abuse

was continuing and ongoing; failing to establish adequate and effective professional training and educational programs and procedures for their employees calculated to prevent the sexual abuse of children; failing to implement any measures or take any steps to prevent defendant, COLLEEN GORMAN, from sexually abusing the plaintiff while the plaintiff was still an infant when it was known or should have been known to the defendants herein that defendant, COLLEEN GORMAN, had a history of complaints of sexual abuse made against her and a propensity to sexually abuse children and in fact had sexually abused children; failing to make any inquiry into the background of defendant, COLLEEN GORMAN, before selecting, hiring, contracting and retaining her; failing to make any inquiry into the background of defendant, COLLEEN GORMAN, before selecting, hiring, contracting and retaining her when it was known or should have been known before she was hired that defendant, COLLEEN GORMAN, had a propensity to sexually abuse children and had a history of complaints made against her; failing to use reasonable care to correct and remove defendant, COLLEEN GORMAN, and continuing to retain her when it was known or should have been known to the defendants herein that defendant, COLLEEN GORMAN, had a history of complaints made against her and a propensity to sexually abuse children and in fact had sexually abused children and was sexually abusing children and that continuing to retain her would be likely to result in injury to others, including the plaintiff while plaintiff was still an infant; causing, permitting and allowing the plaintiff to be sexually abused while plaintiff was still an infant; and in otherwise being careless, negligent and reckless.

75. By reason of the forgoing, plaintiff, LORI CERNERA, sustained physical and psychological injuries, including but not limited to, severe emotional distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil, and loss of faith, a severe shock to her

nervous system, certain internal injuries and has been caused to suffer physical pain and mental anguish, emotional and psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and plaintiff, LORI CERNERA, has been forced to abstain from the duties at her vocation, and has and/or will become obligated to expend sums of money for medical expenses.

76. That by reason of the foregoing, defendants are liable to plaintiff for punitive and exemplary damages.

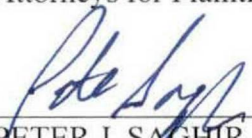
77. That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

78. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(5), 1602(7) and 1602(11).

WHEREFORE, the plaintiff demands judgment against the defendants, together with compensatory and punitive damages, together with the interest, cost, and disbursements pursuant to the causes of action herein.

Dated: New York, New York  
November 19, 2019

Yours etc.,  
GAIR, GAIR, CONASON, RUBINOWITZ, BLOOM,  
HERSHENHORN, STEIGMAN & MACKAUF  
Attorneys for Plaintiff

  
\_\_\_\_\_  
PETER J. SAGHIR  
80 Pine Street, 34<sup>th</sup> Floor  
New York, New York 10005  
(212) 943-1090

STATE OF NEW YORK     )  
                                  ) ss.:  
COUNTY OF NEW YORK    )

PETER J. SAGHIR, an attorney at law licensed to practice in the courts of the State of New York, states that affirmant is a partner with the firm of Gair, Gair, Conason, Rubinowitz, Bloom, Hershenhorn, Steigman & Mackauf, attorneys for the plaintiff in the within action; that affirmant has read the foregoing

VERIFIED COMPLAINT

and knows the contents thereof; and that the same is true to affirmant's own knowledge except as to those matters therein stated to be alleged on information and belief and that as to those matters, affirmant believes them to be true.

Affirmant further states that the reason this verification is made by affirmant and not by the plaintiff is that the plaintiff is not within the County wherein affirmant maintains his office.

The grounds of affirmant's belief are investigation and data in affirmant's possession and consultations had with the plaintiff.

The undersigned affirms that the foregoing statements are true under penalty of perjury.

Dated: New York, New York  
November 19, 2019

  
PETER J. SAGHIR